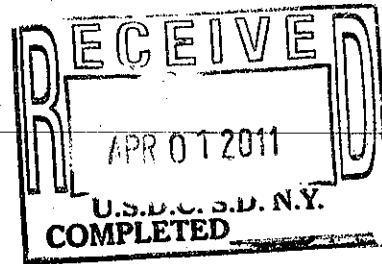


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Carla R. Walworth (CW-5401)
Cynthia A. Curtin
PAUL, HASTINGS, JANOFSKY & WALKER LLP
75 East 55th Street
New York, New York
Telephone: 212-318-6000
Facsimile: 212-319-4090
carlawalworth@paulhastings.com
cynthiacurtin@paulhastings.com



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SURREY EQUITIES, LLC and
SURREY PROPERTY MANAGEMENT, LLC,
Suing on behalf of themselves and their
Manager and Guarantors,

Plaintiffs

-against-

CAPITAL ONE, N.A. as Successor to
NORTHFORK BANK,

Defendant

NOTICE OF REMOVAL

To: **Clerk of the Court
United States District Court
Southern District of New York**

PLEASE TAKE NOTICE that Defendant Capital One, National Association ("Capital One" or "Defendant"), through their undersigned counsel, hereby removes this civil action from the Supreme Court of the State of New York, County of the Bronx, where it is now pending, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1332 and state as follows:

1. On or about March 1, 2011, Plaintiffs Surrey Equities, LLC and Surrey

Property Management, LLC ("Plaintiffs") filed a Complaint in the Supreme Court of the State of New York, County of the Bronx, captioned *Surrey Equities LLC and Surrey Property Management, LLC, Suing on behalf of themselves and their Manager and Guarantors v. Capital One, N.A., as Successor to Northfork Bank*. A true and correct copy of the Complaint and is attached hereto as Exhibit A.

2. On or about March 8, 2011, Plaintiffs filed an Amended Complaint in the same court. The Amended Complaint also was captioned *Surrey Equities LLC and Surrey Property Management, LLC, Suing on behalf of themselves and their Manager and Guarantors v. Capital One, N.A., as Successor to Northfork Bank*. A true and correct copy of the Amended Complaint and is attached hereto as Exhibit B.

3. Both the Complaint and the Amended Complaint were assigned to the County Clerk's Index No. 301848/2011.

4. Plaintiffs served a copy of the Complaint on Defendant's agent on March 2, 2011. Plaintiffs served a copy of the Amended Complaint on Defendant's agent on March 16, 2011.

GROUND FOR REMOVAL

5. This action is removable under 28 U.S.C. § 1332 because (i) complete diversity of citizenship exists between the parties and (ii) the amount in controversy exceeds \$75,000 exclusive of interest and costs.

6. On information and belief, plaintiff Surrey Equities, LLC is a New York limited liability company with its principal place of business at 40 Fulton Street, Floor 6, New York, NY 10038. On information and belief, Surrey Equities, LLC is a citizen of New York and New Jersey.

7. On information and belief, plaintiff Surrey Property Management, LLC is a New York limited liability company with its principal place of business at 40 Fulton Street, Floor 6, New York, NY 10038. On information and belief, defendant Surrey Property Management, LLC is a citizen of New York and New Jersey.

8. Defendant Capital One, National Association is a national bank with its principal place of business located at 1680 Capital One Drive, McLean, Virginia 22102. Capital One is a successor by merger to North Fork Bank ("North Fork"), which merged with and into Capital One, N.A., on or about August 1, 2007.

9. In their Complaint, Plaintiffs seek damages "believed to be in excess of 1.7 million dollars." *See* Complaint at 4-5. In their Amended Complaint, Plaintiffs seek damages "believed to be in excess of 15 million dollars." *See* Amended Complaint at 5-6. The damages sought by Plaintiffs are well in excess of the \$75,000 minimum required to confer jurisdiction on this Court.

10. Removal to this Court is proper under 28 U.S.C. § 1446(a), as the Southern District of New York is the district within which the lawsuit was pending prior to removal.

TIMELINESS AND NOTICE

11. This Notice of Removal is timely under 28 U.S.C. Section 1446(b) because it is being filed within thirty days of receipt by Defendant of a service copy of the Complaint setting forth the claims for relief upon which this action is based.

12. Pursuant to 28 U.S.C. § 1446(b), Defendant will promptly give written notice of this filing of this Notice of Removal to Plaintiff, and will file a copy of this Notice with the clerk of the Supreme Court of the State of New York, County of the Bronx.

WHEREFORE, pursuant to 28 U.S.C. §§ 1332 and 1446, Defendant hereby
remove this action from the Supreme Court of the State of New York, County of the Bronx, to
the United States District Court for the Southern District of New York.

Respectfully submitted,



Dated: New York, New York
April 1, 2011

Carla R. Walworth (CW-5401)
Cynthia A. Curtin
PAUL, HASTINGS, JANOFSKY &
WALKER LLP
75 East 55th Street
New York, New York
Telephone: 212-318-6000
Facsimile: 212-319-4090
carlawalworth@paulhastings.com
cynthiacurtin@paulhastings.com

ATTORNEYS FOR PLAINTIFF CAPITAL
ONE, N.A.